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In re Application of	:	
HORROBIN	:	
Application No.: 10/536,927	:	
PCT No.: PCT/GB03/05131	:	REQUEST FOR STATUS
Int. Filing Date: 26 November 2003	:	
Priority Date: 02 December 2002	:	UNDER 37 CFR 1.42
Attorney Docket No.: 56170/316314	:	
For: TREATMENT OF HUNTINGTON'S	:	
DISEASE WITH EPA	:	

This decision is in response to applicant's declaration filed 09 November 2005 in the United States Patent and Trademark Office (USPTO). The declaration is being treated as a submission of papers pursuant to 37 CFR 1.42. No fee is required.

**BACKGROUND**

On 26 November 2003, applicant filed international application PCT/GB03/05131 which claimed a priority date of 02 December 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 June 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 02 June 2005.

On 31 May 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the requisite basic national fee; an unexecuted combined declaration and power of attorney and a First Preliminary Amendment.

On 20 October 2005, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the required response and advised that extensions of time were available pursuant to 37 CFR 1.136(a).

On 09 November 2005, applicant filed the declaration discussed herein executed by Sherri Clarkson as the executor of the estate of deceased sole inventor David Frederick Horrobin.

### DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The filed declaration is executed by Sherri Clarkson as the executor of the estate of deceased sole inventor David Frederick Horrobin. However the declaration is not in compliance with 37 CFR 1.497 (a)-(b) in that the declaration sets forth the residence, citizenship and post office address for only one individual; presumably the executor, Ms. Clarkson. In order to comply with 37 CFR 1.497(b), this information must be provided for both the deceased inventor and his legal representative.

### CONCLUSION

Applicant's petition under 37 CFR 1.42 is **DISMISSED, without prejudice.**

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file an oath or declaration in compliance with 37 CFR 1.497 (a)-(b). Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.42." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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